

NATIONAL INSTITUTES OF HEALTH COMMITTEE MANAGEMENT HANDBOOK

BSC Charter Establishment/Amendment

NIH Letterhead – *Times New Roman 11point*
(for charters signed by another approving official
use appropriate letterhead)

Chapter III - Illustration 3

Key to text: Black text is standard text that should be followed; Red identifies text that is unique, for example IC name, expertise, or costs for this individual committee. Blue provides some explanations and reasons why certain paragraphs contains specific information.

CHARTER

BOARD OF SCIENTIFIC COUNSELORS, [INSERT FULL IC NAME]

If amending a current charter, replace “Charter” with “AMENDED CHARTER” as the title. If the name of the committee is changing, state the new Name of Committee followed by [formerly (insert full former name).] Other options for a BSC name can be considered, especially if an IC has more than one BSC.

COMMITTEE’S OFFICIAL DESIGNATION

[Insert Official Name of Committee]

AUTHORITY

Authorized by 42 U.S.C. §§ 282(b)(16), 289a, sections 402(b)(16) and 492 of the Public Health Service Act, as amended. The committee is established in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2).

The authority cited above is for most NIH BSCs. If an IC or other agency (NCI, NTP, or OS) has authority to establish committees, and that authority is being used, then that authority must be cited here rather than the NIH Director’s authority to establish BSCs.

OBJECTIVES AND SCOPE OF ACTIVITIES

The [insert committee name (followed by IC ACRONYM)] Intramural Research Program conducts biomedical health related research in its own laboratories and provides advice to the Institute in carrying out its programs with respect to basic and clinical medical sciences. In order to secure unbiased and objective evaluation of intramural research programs and of the work of the individual scientist, expert scientists from outside the National Institutes of Health (NIH) are invited to join the Board of Scientific Counselors.

The text above should be more general than specific as a more detailed description is provided in “Description of Duties.”

DESCRIPTION OF DUTIES

The Board of Scientific Counselors, [IC ACRONYM] (Board), will review and evaluate the intramural program and the work of tenured, tenure track and staff scientists and physicians and shall also, as requested by the Director, NIH, undertake peer review of extramural funding applications as required by section 492 of the Public Health Service Act, as amended. The Board will be provided with a written description of the overall research to be reviewed. This written description should present the overall past accomplishments of the laboratories and their investigators since the last review was conducted. The written description will also present: the general aims, objectives and projected directions of the research to be conducted; appropriate background information on possible future research projects; a brief summary of the general research plan; and an indication of the importance of the research projects to their specific clinical and scientific disciplines.

The Board, after conducting the review, will prepare a written description of the research, the results of the review, and the recommendations of the laboratory and scientists concerning the intramural research programs.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Board will advise the Director, NIH; the Deputy Director for Intramural Research, NIH; the Director, [IC ACRONYM]; and the Scientific Director, [IC ACRONYM].

SUPPORT

Management and support services will be provided by the [Insert Office/Program], [IC ACRONYM].

The office or program area cited here represents the area responsible for providing funds to cover the costs incurred by the operation of the Board such as travel and per diem for members and other costs associated with holding a meeting. It could be an intramural or IC Office of the Director that provides this support.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

Estimated annual cost for operating the Board, including compensation and travel expenses for members, but excluding staff support, is \$[INSERT DOLLAR AMOUNT FROM FOP]. The estimate of annual person-years of staff support required is [INSERT PERSON SUPPORT TIME FROM FOP], at an estimated annual cost of \$[INSERT DOLLAR AMOUNT FROM FOP].

When establishing a committee, a Financial Operating Plan (FOP) is developed that estimates costs on the number of members, number of meetings, and NIH staff time needed to manage the committee. The projected costs are inserted in the paragraph above. When amending, the last FOP prepared for the ACR report is used.

DESIGNATED FEDERAL OFFICER

The Director, [IC ACRONYM], will assign a full-time or permanent part-time [IC ACRONYM] employee as the Designated Federal Officer (DFO) of the committee. In the event that the DFO cannot fulfill the assigned duties of the committee, one or more full-time or permanent part-time [IC ACRONYM] or NIH employees will be assigned as DFO and carry out these duties on a temporary basis.

The DFO will approve or call all of the committee's and its subcommittees' meetings, prepare and approve all meeting agendas, attend all Board and subcommittee meetings, adjourn any meeting when it is determined to be in the public interest, and chair meetings when directed to do so by the Director, NIH, or Director, [IC ACRONYM].

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

Meetings will be held approximately [INSERT NUMBER OF MEETINGS] within a fiscal year. Meetings will be open to the public except as determined otherwise by the Secretary of Health and Human Services (Secretary) in accordance with subsection (c) of section 552b of Title 5 U.S.C. Notice of all meetings will be given to the public. In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act, a report will be prepared which will contain, as a minimum, a list of members and business addresses, the Board's functions, the dates and places of meetings, and a summary of the Board's activities and recommendations made during the fiscal year. A copy of the report will be provided to the Department Committee Management Officer.

DURATION

Continuing.

TERMINATION

In accordance with 42 U.S.C. 282(b)(16), section 402(b)(16) of the Public Health Service Act, as amended, the Federal Advisory Committee Act does not apply to the duration of this Board. The Director, NIH, determines if the Board should be terminated.

If a different authority was cited in the Authority section, then that authority would be cited here if applicable.

MEMBERSHIP AND DESIGNATION

The Board will consist of [Insert number] members approximately, including the Chair, appointed by the Director, NIH, from authorities knowledgeable in the fields of [insert specific expertise of members]. Members will be invited to serve for overlapping terms of up to five years. Federal employees are not eligible to be members of this committee; all members of this committee will serve as Special Government Employees. The quorum for the conduct of business by the full Board will consist of a majority of the currently appointed members.

The expertise cited here should represent the general expertise needed to review research in the IC. Terms could be described as: research relevant to (IC acronym] and/or simply; for example, biomedical informatics, data science, computational biology, and their applications in health and biomedical sciences. These terms should be associated with the members when nominated to serve on the Board.

The office of General Counsel (OGC) has made the determination, under the general provisions of the Consolidated Appropriations Act, that there is no expressed Congressional Authorization for these types of committees to receive interagency support. Therefore, OGC recommends against including non-HHS Federal employees as members to avoid potential violations of fiscal law.

SUBCOMMITTEES

As necessary, subcommittees and ad hoc working groups may be established by the DFO within the Board's jurisdiction. The advice/recommendations of a subcommittee/working group must be deliberated by the parent advisory committee. A subcommittee/working group may not report directly to a Federal official unless there is statutory authority to do so.

Subcommittee membership may be drawn in whole or in part from the parent advisory committee. All subcommittee members may vote on subcommittee actions and all subcommittee members count towards the quorum for a subcommittee meeting. A quorum for a subcommittee/working group will be three members. Ad hoc consultants are not members, do not count towards the quorum, and may not vote. The Department Committee Management Officer will be notified upon establishment of each standing subcommittee and will be given information on its name, membership, function, and estimated frequency of meetings.

RECORDKEEPING

Meetings of the Board and its subcommittees will be conducted according to the Federal Advisory Committee Act, other applicable laws and Departmental policies. Board and subcommittee records will be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

ESTABLISHMENT FILING DATE or FILING DATE

OFACP Program Analyst will enter date for an establishment; IC CMO will keep date when submitting an amendment.

AMENDED FILING DATE

OFACP Program Analyst will enter date for an amendment.

APPROVED:

Date

Director, NIH

Signature lines are dependent on authority used to establish or amend. If unsure, consult with assigned OFACP Program Analyst or other OFACP staff member.